

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS

In re
ANDREW GREENHUT,
Debtor

IN PROCEEDINGS UNDER
CHAPTER 13
CASE NO.: 19-10782

MOTION OF DEBTOR TO FURTHER AMEND CHAPTER 13 PLAN

NOW COMES, the Debtor, Andrew Greenhut, and hereby moves this Honorable Court, pursuant to 11 U.S.C. § 1323(a), MLBR 3015-1 and Chapter 13 Rule 13-10(b), to allow him to amend his Chapter 13 Plan prior to confirmation. As grounds therefore, the Debtor states the following:

1. Since the date of the filing of the Debtor's First Amended Chapter 13 Plan, there has been a change in the Debtor's legal and financial circumstances. Recently, the Texas Supreme Court reversed the decision of the Texas Court of Appeals and thereby ruled in favor of the Creditor Gita Srivastava on her appeal. The Debtor will not be seeking either a rehearing by the Texas Supreme Court or pursuing a Writ of Certiorari with the United States Supreme Court. Consequently, the Debtor's legal expenses associated with his litigation with Creditor Gita Srivastava no longer needs to be paid. Additionally, the Debtor has been informed by his partner and fiancée that she is expecting their first child due in December of 2020.
2. The Debtor has amended his Chapter 13 Plan in good faith to account for these existing and expected changes in the Debtor's financial circumstance.

3. The Plan Term remains unchanged from the Original Chapter 13 Plan. However, under the Third Amended Plan, the Debtor's initial Plan Payment will increase from \$2,024 per month to \$2,823.00 per month and remain at that level for the remainder of the Debtor's sixty (60) month period of the Debtor's Chapter 13 Plan Term.
4. Contemporaneously with the filing of the Debtor's Third Amended Plan and this Motion, the Debtor has filed Amended Schedules of Income and Expenses (Schedules "I" and "J") and an Amended Statement of Current Monthly Income and Chapter 13 Calculation of Net Disposable Income (i.e. Form 122C-1 and C-2) and a Motion to Amend the same, so as to fully explicate the Debtor's current and reasonably projected income and expenses and financial circumstances as well as resolving any issue related to the Plan's compliance with 11 U.S.C. § 1325(b)(1) and (2) that had previously been raised by the Chapter 13 Trustee with respect to the Debtor's proposed Second Amended Chapter 13 Plan .

WHEREFORE, the Debtor respectfully requests that the Court allow the amendment of his Chapter 13 Plan and grant all other relief deemed just and proper.

ANDREW GREENHUT, Debtor
By his Attorney,

Date: 8/5/2020

/s/ Richard N. Gottlieb, Esq.
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CERTIFICATE OF SERVICE

I, Richard N. Gottlieb, Esq., do hereby certify that I have this day served a copy of the Motion of Debtor to Amend Chapter 13 Plan and a copy of the Debtor's Third Amended Pre-Confirmation Chapter 13 Plan dated June 1, 2020, by First-class mail postage paid and/or electronically via the CM/ECF Electronic Messaging System on the persons listed below.

Date: August 5, 2020

/s/ Richard N. Gottlieb, Esq.

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PERSONS SERVED:

Carolyn Bankowski, Esq.
Chapter 13 Trustee
(Served via CM/ECF)

Alex Mattera, Esq.
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